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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/740,735

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Donald F. Gordon

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4189

(SEDN/310)

26291

7590

05/18/2005

EXAMINER

MOSER, PATTERSON & SHERIDAN L.L.P.

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COURTENAY III, ST JOHN

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/740,735

Applicant(s)

GORDON ET AL.

Examiner

St. John Courtenay III

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28, 30 and 31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28, 30 and 31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
ST. JOHN COURTENAY III  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **Response to Amendment**

Responsive to Applicant's amendments and arguments, new grounds of rejection are set forth below.

#### **35 U.S.C. 112, Second Paragraph**

The following is a quotation of the second paragraph of **35 U.S.C. 112**:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Dependent claim 31 is rejected under **35 U.S.C. 112**, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 depends upon independent claim 25. The claimed "first, second, and third states" lack positive antecedent basis.

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sampat et al.** (U.S. Patent 6,279,029) in view of **Ellis** (U.S. Patent Application Publication US 2004/0226042 – effective filing date March 4, 1999).

**As per independent claims 1, 24, 25:**

**Sampat** discloses the invention substantially as claimed:

**As per independent claim 1:**

**Sampat** teaches a method for providing user interfaces for a plurality of services offered by an information distribution system, comprising:

- providing a first application to support a first user interface for a first service associated with an interactive program guide [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- providing a second application to support a second user interface for a second service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66];
- coordinating passing of control between the first and second applications via a control mechanism [see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7,

and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively." ].

**As per independent claim 24:**

**Sampat** teaches a method for providing interactive program guide (IPG) and user interfaces for IPG services, comprising:

- providing an IPG application to support the IPG user interface for the IPG service [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- maintaining message queues for plural applications, respectively [e.g., see "queues of receive buffers that the user has posted using the DLM function call, col. 20, lines 26-29; see "Message output manager 2208 maintains a queue of buffers waiting to be output to the network" col. 19, lines 44-67; see also "In a server, process manager 2310 transmits packets from the send queue to the network" and associated discussion col. 24, beginning line 35]; and
- passing control to the plural applications via messages provided to the message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per independent claim 25:**

**Sampat** teaches a terminal configurable to provide user interfaces for a plurality of services offered by an information distribution system, comprising:

- a first application operable to support a first user interface for a first service providing an interactive program guide [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- a second application operable to support a second user interface for a second service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66]; and,
- means for passing control between the first and second applications [see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively." ].

However, **Sampat** does not *explicitly* teach the following additional limitations:

**Ellis** teaches providing a second application to support a second user interface for a second service associated with video-on-demand (VOD), as claimed [e.g, see "Video-on-demand program guide display 70" and associated discussion §0055].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Sampat** by implementing the improvements detailed above because it would provide **Sampat's** system with the enhanced capability of allowing "a viewer to simultaneously view both a video-on-demand program guide display and a selected

television program on a television display screen" [see Ellis, §0009].

**As per dependent claims 2 & 3:**

**Sampat** teaches maintaining first and second message queues for the first and second applications, respectively and passing control to the first and second applications via messages provided to the first and second message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claim 4:**

**Sampat** teaches polling the first or second application to determine a status of the application [see polling discussion col. 36, lines 57-64].

**As per dependent claim 5:**

**Sampat** teaches polling for a status of the first or second application by providing a poll message to the first or second message queue, respectively [see polling discussion col. 36, lines 57-64].

**As per dependent claim 6:**

**Sampat** teaches providing a root application to support communication between the first and second applications and a lower layer [e.g., see "Real-Time Media Services API" shown in fig. 16, and associated discussion col. 10, line 54].

**As per dependent claim 7:**

**Sampat** teaches the communication between the root application and the first and second applications is achieved via a set of application programming interfaces (APIs) [e.g., see "Media Services Manager (MSM) API" and "Real-Time Media Services API" and associated discussion cols. 9 & 10].

**As per dependent claim 8:**

**Sampat** teaches the lower layer is a hardware layer [e.g., see "Real-Time Media Services API" shown in fig. 16, as coupled to the display and audio device drivers and associated discussion col. 10].

**As per dependent claim 9:**

**Sampat** inherently teaches each of the first and second applications is operable in an active state or an inactive state [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65; see user interface 200 and associated discussion beginning col. 5, line 14 & line 66; see also video sources discussion col. 4, lines 7-37].

**As per dependent claim 10:**

**Sampat** teaches an active application is operative to process key inputs, as Sampat teaches the use of Microsoft Windows controls [col. 4, line 56] that are used at least to process the entry of a credit card number [col. 5, line 63].

**As per dependent claim 11:**

**Sampat** teaches the first application transitions to the inactive state upon occurrence of any one of a plurality of events in a first set, and the second application transitions to the inactive state upon occurrence of any one of a plurality of events in a second set [see channel selection by user process, col. 5, discussion beginning line 65].

**As per dependent claim 12:**

**Sampat** inherently teaches the plurality of events in the first set includes a first set of key presses, and the plurality of events in the second set includes a second set of key presses [see user selection col. 2, lines 62 and 66; see **Ellis**: "A viewer may obtain information about other video-on-demand programs in a particular category by browsing through the programs on the



program guide using up an down cursor keys. Other video-on-demand program categories may be selected using left and right cursor keys." See Ellis, §0011].

**As per dependent claim 13:**

**Sampat** inherently teaches the first and second applications transition to the active state in response to receiving a launch message in the first and second message queues, respectively [see queue discussion col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claim 14:**

**Sampat** inherently teaches the first and second applications transition to the active state in response to receiving first and second key presses, respectively [see user selection col. 2, lines 62 and 66].

**As per dependent claim 15:**

**Sampat** inherently teaches providing a first link in the first user interface to activate the second user interface and providing a second link in the second user interface to activate the first user interface [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claims 16-18:**

**Sampat** inherently teaches modes of operation where only the first or second application, if any, is active at any particular moment, or, the first and second applications are each independently executed, or, the first and second applications are concurrently active or semi-active [see col. 5, line 14: i.e., using Windows controls to control the size and position of user interface 200; see also "Program Guide Window 300" and associated discussion beginning col. 5, line 36 & line 65].

**As per dependent claims 19, 20:**

**Ellis** teaches the first and second applications are transmitted from the provider equipment to a set-top terminal [see "set-top box 34" and associated discussion, Ellis, §0050; see also discussion §§0047-0049, 0051, 0052].

**As per dependent claims 21-23:**

**Sampat** teaches the first and second applications are operable to overlay a channel information window with respect to an IPG user interface and a second user interface, as claimed [e.g., see "Hide Controls" menu option fig. 9, indicated that controls (i.e., channel information) can be displayed as an overlay over the video window, and associated discussion; See also Ellis VOD program guide display 70, §0055].

**As per dependent claim 26:**

**Sampat** teaches a root application operable to support communication between the first and second applications and a hardware layer [e.g., see "Real-Time Media Services API" shown in fig. 16, and associated discussion col. 10, line 54].

**As per dependent claim 27:**

**Sampat** teaches first and second message queues operable to store messages for the first and second applications, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claim 28:**

**Sampat** teaches the means for passing control is implemented by providing messages to the first and second message queues, and wherein the first and second applications are operable to retrieve and process messages stored in the first and second message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35; see col. 5, discussion

beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively." ].

**As per dependent claim 31:**

**Ellis** teaches transitions between first, second, and third states are in response to defined key presses [e.g., see "A viewer may obtain information about other video-on-demand programs in a particular category by browsing through the programs on the program guide using up and down cursor keys. Other video-on-demand program categories may be selected using left and right cursor keys." See Ellis, §0011].

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Filletto et al.** (U.S. Patent 6,300,951) in view of **Ellis** (U.S. Patent Application Publication US 2004/0226042 – effective filing date March 4, 1999).

**As per independent claim 30:**

**Filletto** teaches a terminal configurable to provide user interfaces for a plurality of services offered by an information distribution system, comprising:

- a first state indicative of a first application executing to support a first user interface for an interactive program guide [e.g., see "Window 1" shown as item 56 in Fig. 1 and associated discussion col. 2, line 43] ;
- a second state indicative of a second application executing to support a second user interface for a second service [e.g.,

see "Window 2" shown as item 54 in Fig. 1 and associated discussion col. 2, line 47];

- a third state indicative of the first and second applications being idle [e.g., see "minimized window " and associated discussion col. 2, beginning line 48]; and
- means for transitioning between the first, second, and third states [col. 2, see toggling between windowed applications discussion, lines 52-67].

However, **Filletto** does not *explicitly* teach the following additional limitations:

**Ellis** teaches providing an interactive program guide [program guide system 20, §0041] and a second application to support a second user interface for a second service associated with video-on-demand (VOD), as claimed [e.g, see "Video-on-demand program guide display 70" and associated discussion §0055].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system for rapid toggling of application windows taught by **Filletto** by implementing the improvements detailed above because it would provide **Filletto's** system with the enhanced capability of allowing application windows configured to permit "a viewer to simultaneously view both a video-on-demand program guide display and a selected television program on a television display screen" [see Ellis, §0009].

**Prior Art not relied upon:**

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

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**How to Contact the Examiner:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**PTO CENTRAL FAX NUMBER:  
703-872-9306**

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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (571) 272-2100.**

  
**ST. JOHN COURTENAY III  
PRIMARY EXAMINER**